IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:26-cv-01065-RTG

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
MAR 30 2026
JEFFREY P. COLWELL
CLERK

OLEKSANDR SHAPOVAL,
[redacted]
Petitioner,

v.

WARDEN, DENVER CONTRACT DETENTION FACILITY,
Respondent.

PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND IMMEDIATE RELEASE
(or, in the alternative, for a prompt individualized custody hearing)

Petitioner Oleksandr Shapoval, proceeding pro se, respectfully moves this Court for an emergency Temporary Restraining Order ("TRO") and immediate release from immigration detention. In the alternative, Petitioner requests an order requiring an immediate individualized custody determination and release under appropriate conditions.

I. EMERGENCY NATURE OF THIS MOTION

This motion is brought on an emergency basis because Petitioner remains unlawfully detained, resulting in ongoing and irreparable deprivation of his liberty. Each additional day of detention constitutes a continuing violation of Petitioner's constitutional rights under the Fifth Amendment.

1:26-cv-01065-RTG

II. FACTUAL BACKGROUND

1. Petitioner is a citizen of Ukraine who lawfully entered the United States under the Uniting for Ukraine humanitarian parole program pursuant to INA §212(d)(5).

2. Petitioner has no criminal history and has complied with all immigration requirements.

3. Prior to the expiration of his parole period, Petitioner timely filed an application for re-parole with U.S. Citizenship and Immigration Services (USCIS), which remains pending.

4. Despite his lawful entry and compliance, Petitioner has been detained by Immigration and Customs Enforcement (ICE) since approximately January 15, 2026.

5. Petitioner is currently detained at the Denver Contract Detention Facility in Aurora, Colorado.

6. Petitioner has stable housing, community support, and a sponsor willing to assist him during the pendency of his immigration proceedings.

7. Petitioner poses no danger to the community and no meaningful risk of flight.

III. LEGAL STANDARD FOR TEMPORARY RESTRAINING ORDER

A Temporary Restraining Order may be granted where the movant demonstrates:

1. A likelihood of success on the merits;
2. A likelihood of suffering irreparable harm absent relief;
3. That the balance of equities tips in the movant's favor; and
4. That the requested relief is in the public interest.

IV. ARGUMENT

A. Petitioner Is Likely to Succeed on the Merits

Petitioner is not subject to mandatory detention under the immigration laws.

Petitioner has no criminal history and does not fall within INA §236(c). He was lawfully

paroled into the United States and is therefore not subject to mandatory detention under INA §235(b). Instead, any detention must arise under INA §236(a), which provides for discretionary detention and requires an individualized custody determination.

Continued detention without appropriate review is inconsistent with the statutory framework and violates due process.

B. Petitioner Is Suffering Irreparable Harm

Unlawful detention constitutes irreparable harm as a matter of law. Petitioner is being deprived of his physical liberty every day he remains detained.

No monetary damages can compensate for this loss of freedom.

C. The Balance of Equities Favors Release

Petitioner has:

- no criminal history
- demonstrated compliance with immigration requirements
- pending humanitarian relief
- stable housing and community support

There is no countervailing government interest that justifies continued detention under these circumstances.

D. Release Serves the Public Interest

The public interest is served by ensuring that government detention complies with statutory and constitutional requirements.

Release under appropriate conditions or supervision satisfies any legitimate governmental interest while preserving Petitioner's constitutional rights.

1:26-CV-01065-RTG

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue an Emergency Temporary Restraining Order enjoining Respondent from continuing Petitioner's unlawful detention;

2. Order Petitioner's immediate release from immigration detention;

3. In the alternative, order an immediate individualized custody determination before an immigration judge;

4. Order release under bond, supervision, recognizance, or any other appropriate conditions; and

5. Grant such other relief as this Court deems just and proper.

Respectfully submitted,



Oleksandr Shapoval (Pro Se)
[redacted]
Denver Contract Detention Facility
Aurora, Colorado

CERTIFICATE OF SERVICE

I, Oleksandr Shapoval, hereby certify that on March 25 ,2026 a true and correct copy of the foregoing Emergency Motion for Temporary Restraining Order and Immediate Release was served by U.S. Mail upon:

Office of the United States Attorney
District of Colorado

U.S. Immigration and Customs Enforcement (ICE)
Office of the Principal Legal Advisor (OPLA)

Date: 03/25/2026

Oleksandr Shapoval